

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BOSTON AND MAINE CORPORATION, )		
ET AL. )		
Plaintiffs, )		Case No.: 04-12069-MLW
v. )		
TOWN OF CHELMSFORD, ET AL. )		
Defendants. )		
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BOSTON AND MAINE CORPORATION, )		
ET AL. )		
Plaintiffs, )		Case No.: 05-10806-MLW
v. )		
TOWN OF WESTFORD, ET AL. )		
Defendants. )		
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BOSTON AND MAINE CORPORATION, )		
ET AL. )		
Plaintiffs, )		Case No.: 04-10820-MLW
v. )		
TOWN OF ANDOVER, ET AL. )		
Defendants. )		
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**MOTION OF PLAINTIFFS BOSTON AND MAINE CORPORATION AND  
SPRINGFIELD TERMINAL RAILWAY COMPANY TO DISMISS THESE  
ACTIONS WITHOUT PREJUDICE**

Pursuant to Rules 7(b) and 41(a)(2) of the Federal Rules of Civil Procedure and Rule 7.1(B)(1) of the Rules of this Court, Plaintiffs hereby move for an order of this Court dismissing the above referenced actions without prejudice. This motion is

unopposed by Defendants Town of Andover, Town of Chelmsford and the Commonwealth of Massachusetts, and Defendant Town of Westford expects to inform the Court of its position early next week after consultation with Town officials.

Pursuant to Rule 7.1(A)(2), counsel for Plaintiffs certifies that he has conferred with counsel for each Defendant.

Respectfully submitted,

/s/ Robert B. Culliford  
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*Attorney for Plaintiffs  
Boston and Maine Corporation  
Springfield Terminal Railway Co.*

**Dated: August 18, 2006**

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing documents were served on August 18, 2006 on counsel for all Defendants.

**Dated: August 18, 2006**

/s/ Robert B. Culliford  
Robert B. Culliford